

October 7, 2008

Mr. Ford called the meeting of the Union Township Planning Board/Board of Adjustment to order at 7:05 p.m. The Sunshine Statement was read.

Members Present: Mr. Mazza, Mr. Martin, Mr. Badenhause, Mrs. Corcoran,
Mr. Ryland, Mr. Ford, Mr. Kirkpatrick (Absent for Roll Call)

Members Absent: Mr. Bischoff, Mr. Taibi, Mr. Walchuk

Others Present: Atty. Mark Anderson, Carl Hintz (7:45 p.m.), John Reymann,
Atty. Lloyd Tubman, Atty. Lawrence Fox, David Mininni,
Atty. George Dilts, Greg Brown, Robert and Jennifer Beylickjian, Father
Peter Suhaka, Lawrence Remaly

Approval of Minutes: Mr. Mazza made a motion to approve the minutes of the September 2, 2008 meeting. Mr. Ryland seconded the motion.

Vote: Ayes: Mr. Mazza, Mr. Ryland, Mr. Martin, Mr. Badenhause, Mrs. Corcoran
Mr. Ford

Mr. Ford asked that the record reflect that Mr. Kirkpatrick arrived. (7:10 p.m.)

Public Hearing: Petri: Block 15, Lots 8 & 8.01, 25 Stonehaven Lane: Mr. Ford noted this matter was a continuation of a discussion from the September 2, 2008 Workshop. Atty. Mark Anderson reviewed the Notice Documents and found them to be in order. Atty. Lloyd Tubman gave an overview of the matter. She said the Board had approved a subdivision for Mrs. Petri at its June 26, 2008 meeting. Ms. Tubman said the purpose of the subdivision was to create a lot for a second residence on a single lot, as well as to enlarge Mrs. Petri's daughter's lot so that it would conform to Conservation Management District Zone Standards. A cul-de-sac had been proposed for the purpose of reaching Mr. Petri's residence and a variance was required. However, the Board preferred and approved an extension of a private road. Atty. Tubman said the Resolution contained a condition that would prohibit construction of any other structures than agricultural. There was an exception for the residence on Lot 8.09. It could be razed and a larger structure built. Atty. Tubman said it was her understanding that the approval was there would be no further subdivision and three residences and three lots. She said her client would be put in an impossible situation. Pools, gazebos, decks, etc. could not be built unless the property owner returned to the Board for approval. Ms. Tubman asked the Board for reconsideration of the approval.

Mr. Ford asked Atty. Tubman what change she would propose. Ms. Tubman said she would like the Resolution to state that no further subdivision of any lot is permitted. Mr. Ford asked Board members for questions. Mr. Kirkpatrick asked which lots had required variances. Atty. Tubman said it was Lot 8.09. Atty. Anderson said there were side yard setback variances for 8.01 also. Ms. Tubman said they were existing conditions.

Mr. Kirkpatrick said if a house was razed and rebuilt, an attempt should be made to comply with setbacks. Ms. Tubman said the existing residence should be allowed to be enlarged as long as there is no further encroachment into setbacks. She said if a barn or shed or pool was to be removed, her client would accept as a condition of approval that new structures would respect setbacks. Mr. Kirkpatrick said he would be fine with that condition. Mr. Ford asked about a future expansion of the residence on Lot 8.09. Atty. Tubman said an enlargement of the house could not come closer to the setback line.

Mr. Ford asked for further questions. There were none. He asked for a motion to approve the request. Mr. Mazza made the motion. Atty. Anderson explained the changes. He understood that new structures would be required to comply with the Ordinance as it pertains to setbacks. Ms. Tubman said that if the residence on Lot 8.09 was enlarged, it could not encroach further into setbacks. Atty. Anderson and Tubman discussed the variance matter pertaining to Lot 8.09. Ms. Tubman said her client would accept a condition that expansion of the width of the house would be required to be within the setback. Mr. Kirkpatrick voiced concerns about applicant having only to meet setback requirements of the Ordinance; i.e., what if applicant wanted to increase impervious surface. Atty. Tubman said that would be a new application before the Board of Adjustment. She was in agreement that a condition of approval would state there would be a prohibition against any new or additional structures, other than agricultural structures. Those structures would have to comply with impervious surface coverage Ordinance requirements. The residential dwelling on Lot 8.09 may be expanded away from the closest lot line, but not in width, without Board approval. Atty. Tubman said it should be clear that there would not be a prohibition of new or replacement structures on any of the lots. Ms. Tubman said such structures would have to comply with the existing Ordinance. It would not be tied to the Ordinance in existence in 2008. Mr. Ford said the reference to agricultural structures could be removed. Atty. Tubman said that was correct.

Mr. Ford asked for comments from the Public. There were none. Mr. Ford said Mr. Mazza had made a motion. Mr. Mazza said his motion includes the conditions set forth above. Mrs. Corcoran seconded the motion.

Vote: Ayes: Mr. Mazza, Mrs. Corcoran, Mr. Martin, Mr. Badenhause, Mr. Ryland, Mr. Ford, Mr. Kirkpatrick

Bulvanoski: Block 22, Lots 19 & 20, Frontage Road: Atty. Lawrence Fox was present on behalf of applicant. Mr. Fox gave a brief overview of the previous application that was denied by the Board. He said the matter was taken to Superior Court. In 2007 an agreement was reached. A Stipulation of Settlement authorized applicant to return to the Board with an application to subdivide the property into two lots that would accommodate two residential dwellings. Mr. Fox said the purpose of his appearance tonight was to review the submittal and find out if this was what the Board had in mind. Atty. Fox said the property is under contract with David Mininni. He was present, along with Mrs. Bulvanoski.

Mr. Kirkpatrick said he thought this was consistent with the Stipulation of Settlement. Mr. Kirkpatrick asked if any Board member was within 200-feet of the proposed subdivision. No one answered in the affirmative. Mr. Kirkpatrick noted that the proposed house on Lot 10 was in a valley. He said surface water would flow toward the back of the house. Atty. Fox said applicant's engineer would respond to those concerns at the time of a formal application. Mayor Mazza asked the square footage of the structures. Atty. Fox said he did not have specifics. Mrs. Corcoran asked if the subdivided lots would be sold to two individuals. Mr. Fox assumed that to be true. Mr. Mininni said the proposal was to build two residential dwellings. The homes would be between 3,000 and 4,000 square feet. Mr. Ford asked for comments from the Board or the Public. There were none. Atty. Fox said his client would be proceeding with a formal application.

Lehigh Gas/Shell: Block 13, Lot 11.01, Frontage & Perryville Roads: Kenneth Frye was present on behalf of applicant. Mr. Frye had appeared before the Board earlier this year. At that time, a car wash had been proposed. Mr. Frye said after hearing comments from the Board, applicant is no longer proposing a car wash. Applicant is proposing a drive-thru window at the rear of the building and the conversion of a part of the building to a convenience store. Mr. Kirkpatrick asked if a variance would be required for the convenience store. Atty. Anderson thought it would be a second principal use. Atty. Anderson said it seemed if a request was made to add the window to the existing use it could place a limitation on the service use. Mr. Anderson said that would not preclude applicant from returning to the Board. Mr. Frye said if the drive-thru use was granted they were aware that approval would be required for an additional use. Mr. Ford asked if there was sufficient parking for the proposed use. Mr. Frye said his engineer is working on the project. Mayor Mazza asked about the repair shop. Mr. Frye said that would be eliminated if approval was granted for the convenience store. The issue of the propane tank will be addressed with a formal application. Mr. Ford said there was a video store on site a number of years ago. Parking was a concern at that time. He also said there is a concern about the northernmost entrance/exit onto Charlestown Road. Mr. Ford said it is very dangerous. Mr. Frye assured the Board that that issue would be given consideration.

Mayor Mazza voiced a concern about trucks using the site. Mr. Frye said that was a reasonable concern. Mrs. Corcoran asked if the drive-thru was a major part of the proposal and wanted to know if applicant would consider the convenience store only. Mr. Frye explained. He indicated Mrs. Corcoran's concerns would be given consideration. Mr. Kirkpatrick asked about other properties in the Township owned by Lehigh Gas. Mr. Frye said Lehigh also owns the Clinton Truck Stop. Mr. Kirkpatrick asked about increased value to the property and the potential number of employees. Mr. Frye estimated an increased value of approximately \$350,000. He said the number of employees might increase. Mrs. Corcoran felt there would be a need for increased parking.

Mr. Kirkpatrick said he does not recall anywhere in the Ordinance that fast-food restaurants are allowed. He also said any type of restaurant would require a variance. Mr. Hintz said the Ordinance states that drive-thru service is prohibited. Mr. Kirkpatrick asked if a Dunkin Donuts would be considered an eating place. Mr. Hintz replied in the affirmative. Mr. Kirkpatrick said a drive-thru would be prohibited. Mr. Frye asked if the Board felt the matter was an issue that could be appealed. He was told any application would be based on its merits. Mr. Kirkpatrick emphasized the busyness of the intersection and anything that would exacerbate existing conditions would be looked very closely. Mr. Hintz noted that lights by the proposed drive-thru would impact the Perryville Inn. Buffering would be an important issue. Mr. Frye felt that adequate buffering could be done. Mr. Kirkpatrick said Stormwater Management would need to be addressed. He also said the site may be in an aquifer deficit area. That item would also need to be addressed. Mr. Kirkpatrick said he did not see the conversion of the garage to a convenience store or the remodeling of the building to be a big issue. He does see adding an additional use and a prohibited use, such as the drive-thru as important issues. Mr. Kirkpatrick told Mr. Frye that driveway layout plans should show how they relate to other entrances onto Frontage and Perryville Roads, the Bagelsmith and the ramp coming off of Interstate 78. Mr. Ford asked for comments from the Public. There were none. Mr. Frye thanked the Board for listening to his proposal.

Republic Services: Block 22, Lot 30.03, Frontage Road: Atty. George Dilts, representing Republic Services, said applicant had appeared before the Board several months ago. Republic proposed installation of a fuel-dispensing island. Since that time, applicant's engineer, Ray Brown, had met with Township Engineer John Reymann. In response to Mr. Reymann's advice, a letter from Mr. Brown, dated August 5, 2008 was submitted to the Board. Atty. Dilts asked Mr. Brown to give an overview of the letter. Mr. Brown said applicant is proposing installation of a 10,000 gallon underground diesel storage tank and a canopy. The facility would allow Republic Services to fuel their vehicles rather than using outside services. Approximately 55 vehicles would be refueling at the site, reducing traffic congestion on Route 173. The proposal would place the fuel-dispensing island at the rear of the property. It would be virtually invisible with that placement. Mr. Brown said there would be no increase in impervious surface coverage. The tank would be in compliance with laws pertaining to underground fuel storage tanks. There is a storm water collection system surrounding the island. It goes to an on-site water/oil separator on the property. Mr. Brown asked for feedback prior to submitting a formal application. He said there was a pre-existing prohibition in a prior approval where a fuel-storage tank had been removed from the site plan. Mr. Brown understood that prohibition did not restrict Republic from submitting a new application for the fuel tank which is an accessory use that meets all the requirements of the Ordinance.

Mr. Hintz said the site is in the Village Commercial District. The application would be an expansion of a pre-existing, non-conforming use. Mr. Brown said recessed lights are proposed under the canopy.

The lights will be on a timer. Security is provided by fencing and a magnetically-coded card is required to operate the pump. The card will record the driver and the amount of fuel each time the pump is used. Security lights exist on the site. Mr. Brown said there is a provision for detection of leaks. The pump would shut off if a leak was detected. Mayor Mazza asked if there were similar tanks at nearby facilities. Mr. Brown thought there would be similar tanks at other sites in the Township. He said they may not be as up-to-date as that which is proposed. Mr. Mazza asked how long it would take to fuel an empty truck. Mr. Brown estimated it would take 8 to 10 minutes. Mr. Kirkpatrick said his major concern pertains to spills, minor or major. Mr. Brown said there is a full trench drain designed that would direct spills to the on-site oil/water separator. The separator has a capacity of 3,000 gallons. Mr. Kirkpatrick said he would prefer a tank under the canopy to capture spills. Mr. Brown did not think that would work. It was suggested that a pre-separator be installed. Mayor Mazza said he liked the idea that trucks would not have to go to nearby facilities for fueling purposes. Mr. Ford asked for questions from the Public. Robert Beylickjian asked what Truck Stop employees use. Mr. Brown said that Louise's is used most often; however, the price of fuel is a governing factor.

Beylickjian: Block 29.02, Lot 1, 2 Stires Way: Jennifer and Robert Beylickjian, owners of the farmette located at 2 Stires Way, appeared before the Board to request that they be allowed to construct an accessory apartment on the property. The apartment would be used by a caretaker. Ms. Beylickjian said they believe they can meet all Ordinance requirements, with the exception of the 750 square foot maximum. The Beylickjians would like to increase the structure to 1,500 square feet. The structure would be within setbacks. Mr. Ryland asked the intent of the Ordinance for the 750 s.f. limitation. Atty. Anderson thought the intent was to limit the occupancy to one person. The concept before the Board would be for a larger family. Mr. Kirkpatrick asked Ms. Beylickjian the difficulty presented by a 750 s.f. structure. She indicated the proposed structure would be compatible with the existing dwelling. A separate septic system is proposed. Mr. Hintz said a Use Variance would be required. Atty. Anderson said it would be a D-3 Use Variance. It refers to a conditional use. He said five affirmative votes are required for an approval. The application would be heard by the Board of Adjustment.

St. Catherine's Church: Block 22, Lot 34.02, Perryville Road: Father Peter Suhaka introduced Trustee Lawrence Remaly. Father Suhaka said the Church is renovating the former Lutheran Church. Primarily, the facility will be used for Sunday services. Father Suhaka said there would be one Saturday afternoon service and two Sunday morning services. The main issue is parking. Mr. Remaly said the Lutheran Church had received approval for 48 parking spaces in the 1980's. Additional parking for a total of 92 spaces had been proposed on the Municipal Building side towards Perryville Road. Mr. Remaly said St. Catherine's is proposing 50 to 60 additional parking spaces. He displayed a survey. It showed the Church, the 48 parking spaces and the proposed additional parking area. He said that the proposed detention basin would not be visible from Perryville Road. Landscaping is proposed.

Mayor Mazza thought it would be best for the additional parking to be near Perryville Road. Mr. Remaly said the existing island would be removed. The removal would give greater access for emergency vehicles. Mr. Ford said it appears there would be less disturbed land if the parking lot was in front. Mr. Kirkpatrick had a question about storm water management. Mr. Remaly explained how that matter would be addressed. Mrs. Corcoran said she would like to see the parking away from the Road. Mr. Ford asked if the required number of parking spaces had been calculated, as per Ordinance requirements. Mr. Remaly responded in the negative. Mr. Reymann said he thought parking should be on the higher level of the property. Storm water would be easier to manage with that location. Mr. Reymann stressed the importance of establishing a traffic pattern. Mr. Hintz said the Ordinance requires one parking space for every four seats. Mr. Remaly said there will probably be between 288 to 312 seats. Mr. Kirkpatrick advised Mr. Remaly to begin work on a site plan. Father Suhaka and Mr. Remaly thanked the Board for accommodating them.

Correspondence: NJTPA Press Release Re: Hunterdon County Transportation Future; Highlands Council Letter and Scenic Byways Resolution response from Senator Lance. Mr. Ford said those items were for the Board's information.

Motion to Adjourn: Mrs. Corcoran made a motion to adjourn. Mr. Ryland seconded the motion. (8:50 p.m.)

Grace A. Kocher, Secretary